

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Allowed: April 21, 2009

Ferguson

Atty. Ref.: 39-288; Confirmation No. 2862

Appl. No. 10/654,994

TC/A.U. 1647

Filed: September 5, 2003

Examiner: Romeo, D.S.

**FAX RECEIVED**For: PHARMACEUTICAL COMPOSITION CONTAINING  
AN ACTIVIN OR INHIBIN STIMULATOR**AUG -4 2009****OFFICE OF PETITIONS**

\* \* \* \* \*

August 4, 2009

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR 1.313(c)(2)**

It is hereby requested that the above-identified application be withdrawn from issue, the Issue Fee having been paid on July 21, 2009. Withdrawal is necessary so that the request for continued examination (RCE) in compliance with 37 CFR 1.114, and accompanying Information Disclosure Statement, both of which are submitted concurrently herewith, can be considered. It is submitted that providing an opportunity for the document referenced in the Information Disclosure Statement to be made of record constitutes good and sufficient reason why withdrawal of this application from issue is necessary.

The Petition and attached associated papers are being filed by facsimile.

Favorable consideration and grant of the present Petition, preferably by return facsimile to the undersigned at 703-816-4100, are requested.

08/05/2009 CKHL0K 00000002 10654994

02 FC:1464

130.00 OP

1324560

FERGUSON

Appl. No. 10.654994

August 4, 2009

The fee required under 37 CFR 1.17(h) is submitted herewith.

It is respectfully requested that this Petition be granted.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Mary J. Wilson

Mary J. Wilson  
Reg. No. 32,955

MJW:tat

901 North Glebe Road, 11th Floor

Arlington, VA 22203-1808

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Facsimile: (703) 816-4100

**Nixon & Vanderhye PC.**  
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FACSIMILE: (703) 816-4100  
WRITER'S DIRECT DIAL NUMBER:  
**(703) 816-4011****FACSIMILE COVER SHEET**  
**PLEASE DELIVER IMMEDIATELY!!!!**

FAX RECEIVED

AUG - 4 2009

Atty Dkt: 39-288  
Your Ref: \_\_\_\_\_ Date: August 4, 2009 OFFICE OF PETITIONS  
To: OFFICE OF PETITIONS  
Firm: USPTO  
Facsimile No: 571-273-0025  
From: Mary J. Wilson

Number of Pages (including cover sheet): 22  
(IF YOU DO NOT RECEIVE ALL OF THE PAGES OR ENCOUNTER DIFFICULTIES IN TRANSMISSION,  
PLEASE CONTACT US IMMEDIATELY AT (703-816-4000).

Tabitha A. Trice  
FACSIMILE OPERATOR

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper and any noted attachments are being transmitted by facsimile to the Patent and Trademark Office on August 4, 2009.

Mary J. Wilson  
Mary J. Wilson

**Attachment: PETITION TO WITHDRAW FROM**  
**ISSUE UNDER 37 CFR 1.313**

In re Patent Application of:

FERGUSON, Mark W.J.

Serial No. 10/654,994

Filed: September 5, 2003

For: PHARMACEUTICAL COMPOSITION CONTAINING AN ACTIVIN OR  
INHIBIN STIMULATOR**CONFIDENTIALITY NOTE**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty MJW-39-288

Dkt.

C# M#

FERGUSON, Mark W.J.

TC/A.U. 1847

Serial No. 10/654,994

Examiner: Romeo, D.S.

Filed: September 5, 2003

Date: August 4, 2009

Title: PHARMACEUTICAL COMPOSITION CONTAINING AN ACTIVIN OR INHIBIN  
STIMULATOR**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX RECEIVED

AUG -4 2009

OFFICE OF PETITIONS

Sir:

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.**

Fees are attached as calculated below:

Total effective claims after amendment	0	minus highest number	
previously paid for	20	(at least 20) =	0 x \$52.00
			\$0.00 (1202)/\$0.00 (2202) \$

Independent claims after amendment	0	minus highest number	
previously paid for	3	(at least 3) =	0 x \$220.00
			\$0.00 (1201)/\$0.00 (2201) \$

If proper multiple dependent claims now added for first time, (ignore improper); add  
\$390.00 (1203)/\$195.00 (2203) \$

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s)

One Month Extension \$130.00 (1251)/\$65.00 (2251)

Two Month Extensions \$490.00 (1252)/\$245.00 (2252)

Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)

Four Month Extensions \$1730.00 (1254)/\$865.00 (2254)

Five Month Extensions \$2350.00 (1255)/\$1175.00 (2255) \$

Terminal disclaimer enclosed, add \$140.00 (1814)/ \$70.00 (2814) \$

☒ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee \$180.00 (1806) \$ 0.00

Assignment Recording Fee \$40.00 (8021) \$ 0.00

Other: Petition Fee Under 37 CFR 1.17(h) \$ 130.00

**TOTAL FEE \$ 130.00**☒ **CREDIT CARD PAYMENT FORM ATTACHED.**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

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NIXON &amp; VANDERHYE P.C.

By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson

1457994